

111TH CONGRESS  
1ST SESSION

# H. R. 1080

To strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2009

Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. FARR, Mrs. CHRISTENSEN, and Mr. SABLAN) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illegal, Unreported,  
5 and Unregulated Fishing Enforcement Act of 2009”.

### 6 **SEC. 2. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISH-** 7 **ING MORATORIUM PROTECTION ACT.**

8 (a) ADMINISTRATION AND ENFORCEMENT.—Section  
9 606 of the High Seas Driftnet Fishing Moratorium Pro-

1    section Act (16 U.S.C. 1826g) is amended by inserting  
2    before the first sentence the following:

3           “(a) IN GENERAL.—The Secretary and the Secretary  
4    of the department in which the Coast Guard is operating  
5    shall enforce this title, and the Acts to which this section  
6    applies, in accordance with this section. Each such Sec-  
7    retary may, by agreement, on a reimbursable basis or oth-  
8    erwise, utilize the personnel services, equipment (including  
9    aircraft and vessels), and facilities of any other Federal  
10   agency, and of any State agency, in the performance of  
11   such duties.

12          “(b) ACTS TO WHICH SECTION APPLIES.—This sec-  
13   tion applies to—

14               “(1) the Pacific Salmon Treaty Act of 1985 (16  
15       U.S.C. 3631 et seq.);

16               “(2) the Dolphin Protection Consumer Informa-  
17       tion Act (16 U.S.C. 1385);

18               “(3) the Tuna Conventions Act of 1950 (16  
19       U.S.C. 951 et seq.);

20               “(4) the North Pacific Anadromous Stocks Act  
21       of 1992 (16 U.S.C. 5001 et seq.);

22               “(5) the South Pacific Tuna Act of 1988 (16  
23       U.S.C. 973 et seq.);

24               “(6) the Antarctic Marine Living Resources  
25       Convention Act of 1984 (16 U.S.C. 2431 et seq.);

1           “(7) the Atlantic Tunas Convention Act of  
2           1975 (16 U.S.C. 971 et seq.);

3           “(8) the Northwest Atlantic Fisheries Conven-  
4           tion Act of 1995 (16 U.S.C. 5601 et seq.); and

5           “(9) the Western and Central Pacific Fisheries  
6           Convention Implementation Act (16 U.S.C. 6901 et  
7           seq.).

8           “(c) ADMINISTRATION AND ENFORCEMENT.—The  
9           Secretary shall prevent any person from violating this  
10          title, or any Act to which this section applies, in the same  
11          manner, by the same means, and with the same jurisdic-  
12          tion, powers, and duties as though sections 308 through  
13          311 of the Magnuson-Stevens Fishery Conservation and  
14          Management Act (16 U.S.C. 1858 through 1861) were in-  
15          corporated into and made a part of and applicable to this  
16          title and each such Act.

17          “(d) SPECIAL RULES.—

18                 “(1) IN GENERAL.—Notwithstanding the incor-  
19                 poration by reference of certain sections of the Mag-  
20                 nuson-Stevens Fishery Conservation and Manage-  
21                 ment Act under subsection (c), if there is a conflict  
22                 between a provision of this subsection and the cor-  
23                 responding provision of any section of the Magnu-  
24                 son-Stevens Fishery Conservation and Management

1 Act so incorporated, the provision of this subsection  
2 shall apply.

3 “(2) ADDITIONAL ENFORCEMENT AUTHOR-  
4 ITY.—In addition to the powers of officers author-  
5 ized pursuant to subsection (c), any officer who is  
6 authorized by the Secretary, or the head of any Fed-  
7 eral or State agency that has entered into an agree-  
8 ment with the Secretary under subsection (a), to en-  
9 force the provisions of any Act to which this section  
10 applies may, with the same jurisdiction, powers, and  
11 duties as though section 311 of the Magnuson-Ste-  
12 vens Fishery Conservation and Management Act (16  
13 U.S.C. 1861) were incorporated into and made a  
14 part of each such Act—

15 “(A) search or inspect any facility or con-  
16 veyance used or employed in, or which reason-  
17 ably appears to be used or employed in, the  
18 storage, processing, transport, or trade of fish  
19 or fish products;

20 “(B) inspect records pertaining to the stor-  
21 age, processing, transport, or trade of fish or  
22 fish products;

23 “(C) detain, for a period of up to 5 days,  
24 any shipment of fish or fish product imported  
25 into, landed on, introduced into, exported from,

1 or transported within the jurisdiction of the  
2 United States, or, if such fish or fish product  
3 is deemed to be perishable, sell and retain the  
4 proceeds therefrom for a period of up to 5 days;  
5 and

6 “(D) make an arrest, in accordance with  
7 any guidelines which may be issued by the At-  
8 torney General, for any offense under the laws  
9 of the United States committed in the person’s  
10 presence, or for the commission of any felony  
11 under the laws of the United States, if the per-  
12 son has reasonable grounds to believe that the  
13 person to be arrested has committed or is com-  
14 mitting a felony;

15 “(E) search and seize, in accordance with  
16 any guidelines that are issued by the Attorney  
17 General; and

18 “(F) execute and serve any subpoena, ar-  
19 rest warrant, search warrant issued in accord-  
20 ance with rule 41 of the Federal Rules of  
21 Criminal Procedure, or other warrant or civil or  
22 criminal process issued by any officer or court  
23 of competent jurisdiction.

24 “(e) PROHIBITED ACTS.—It is unlawful for any per-

25 son—

1           “(1) to violate any provision of this title or any  
2 regulation or permit issued pursuant to this title;

3           “(2) to refuse to permit any officer authorized  
4 to enforce the provisions of this title to board,  
5 search, or inspect a vessel, aircraft, vehicle, or shore-  
6 side facility subject to such person’s control for the  
7 purposes of conducting any search, investigation, or  
8 inspection in connection with the enforcement of this  
9 title, any regulation promulgated under this title, or  
10 any Act to which this section applies;

11           “(3) to forcibly assault, resist, oppose, impede,  
12 intimidate, or interfere with any such authorized of-  
13 ficer in the conduct of any search, investigation, or  
14 inspection described in paragraph (2);

15           “(4) to resist a lawful arrest for any act prohib-  
16 ited by this section or any Act to which this section  
17 applies;

18           “(5) to interfere with, delay, or prevent, by any  
19 means, the apprehension, arrest, or detection of an  
20 other person, knowing that such person has com-  
21 mitted any act prohibited by this section or any Act  
22 to which this section applies; or

23           “(6) to forcibly assault, resist, oppose, impede,  
24 intimidate, sexually harass, bribe, or interfere with—

1                   “(A) any observer on a vessel under this  
2                   title or any Act to which this section applies; or

3                   “(B) any data collector employed by the  
4                   National Marine Fisheries Service or under  
5                   contract to any person to carry out responsibil-  
6                   ities under this title or any Act to which this  
7                   section applies.

8                   “(f) CIVIL PENALTY.—Any person who commits any  
9                   act that is unlawful under subsection (e) shall be liable  
10                  to the United States for a civil penalty, and may be subject  
11                  to a permit sanction, under section 308 of the Magnuson-  
12                  Stevens Fishery Conservation and Management Act (16  
13                  U.S.C. 1858).

14                  “(g) CRIMINAL PENALTY.—Any person who commits  
15                  an act that is unlawful under subsection (e)(2), (e)(3),  
16                  (e)(4), (e)(5), or (e)(6) is deemed to be guilty of an offense  
17                  punishable under section 309(b) of the Magnuson-Stevens  
18                  Fishery Conservation and Management Act (16 U.S.C.  
19                  1859(b)).

20                  “(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—  
21                  ”.

22                  (b) ACTIONS TO IMPROVE THE EFFECTIVENESS OF  
23                  INTERNATIONAL FISHERY MANAGEMENT ORGANIZA-  
24                  TIONS.—Section 608 of such Act (16 U.S.C. 1826i) is  
25                  amended by—

1           (1) inserting before the first sentence the fol-  
2       lowing: “(a) IN GENERAL.—”;

3           (2) in subsection (a) (as designated by para-  
4       graph (1) of this subsection) in the first sentence,  
5       inserting “, or arrangements made pursuant to an  
6       international fishery agreement,” after “organiza-  
7       tions”; and

8           (3) adding at the end the following new sub-  
9       sections:

10       “(b) DATA CONFIDENTIALITY.—

11           “(1) DISCLOSURE AUTHORIZED.—The Sec-  
12       retary may disclose, as necessary and appropriate,  
13       information, including information collected under  
14       joint authority of the Magnuson-Stevens Fishery  
15       Conservation and Management Act (16 U.S.C. 1801  
16       et seq.) and the Atlantic Tunas Convention Act of  
17       1975 (16 U.S.C. 71 et seq.), the Western and Cen-  
18       tral Pacific Fisheries Convention Implementation  
19       Act (16 U.S.C. 6901 et seq.), or any other statute  
20       implementing an international fishery agreement, to  
21       any person that is a Federal or State agency, the  
22       Food and Agriculture Organization of the United  
23       Nations, an international fishery management orga-  
24       nization or arrangement made pursuant to an inter-



1 national fishery agreement, or a foreign government,  
2 if—

3 “(A) such person has policies and proce-  
4 dures to safeguard such information from unin-  
5 tended or unauthorized disclosure; and

6 “(B) the exchange of information is nec-  
7 essary—

8 “(i) to ensure compliance with any  
9 law or regulation enforced or administered  
10 by the Secretary;

11 “(ii) to implement, administer, or en-  
12 force any treaty to which the United  
13 States is a party;

14 “(iii) to implement, administer, or en-  
15 force any binding conservation measure  
16 adopted by any international organization  
17 or arrangement to which the United States  
18 is a party;

19 “(iv) to assist in any investigative, ju-  
20 dicial, or administrative enforcement pro-  
21 ceeding in the United States; or

22 “(v) to assist in any fisheries or living  
23 marine resource-related law enforcement  
24 action undertaken by a law enforcement  
25 agency of a foreign government, or in rela-

1                   tion to a legal proceeding undertaken by a  
2                   foreign government.

3                   “(2) CONFIDENTIALITY NOT APPLICABLE.—

4                   Such disclosure shall not be subject to section  
5                   402(b) of the Magnuson-Stevens Fishery Conserva-  
6                   tion and Management Act (16 U.S.C. 1881a(b)).

7                   “(c) IUU VESSEL LISTS.—The Secretary may—

8                   “(1) develop, maintain, and make public a list  
9                   of vessels and vessel owners engaged in illegal, unre-  
10                  ported, or unregulated fishing, including vessels or  
11                  vessel owners identified by an international fishery  
12                  management organization or arrangement made pur-  
13                  suant to an international fishery agreement, whether  
14                  or not the United States is a party to such organiza-  
15                  tion or agreement; and

16                  “(2) take appropriate action against listed ves-  
17                  sels and vessel owners, including action against fish,  
18                  fish parts, or fish products from such vessels, in ac-  
19                  cordance with applicable United States law and con-  
20                  sistent with applicable international law, including  
21                  principles, rights, and obligations established in ap-  
22                  plicable international fishery management agree-  
23                  ments and trade agreements.

24                  “(d) REGULATIONS.—The Secretary may promulgate  
25                  regulations to implement this section.”.

1 (c) NOTIFICATION REGARDING IDENTIFICATION OF  
2 NATIONS.—Section 609(b) of such Act (166 U.S.C.  
3 1826j(b)) is amended to read as follows:

4 “(b) NOTIFICATION.—The Secretary shall notify the  
5 President and that nation of such an identification.”.

6 (d) NATIONS IDENTIFIED UNDER SECTION 610.—  
7 Section 610(b)(1) of such Act (16 U.S.C. 1826k(b)(1))  
8 is amended to read as follows:

9 “(2) notify, by as soon as possible, the Presi-  
10 dent and nations that have been identified under  
11 subsection (a), and also notify other nations whose  
12 vessels engage in fishing activities or practices de-  
13 scribed in subsection (a), about the provisions of this  
14 section and this Act;”.

15 (e) EFFECT OF CERTIFICATION UNDER SECTION  
16 609.—Section 609(d)(3)(A)(i) of such Act (16 U.S.C.  
17 1826j(d)(3)(A)(i)) is amended by striking “that has not  
18 been certified by the Secretary under this subsection, or”.

19 (f) EFFECT OF CERTIFICATION UNDER SECTION  
20 610.—Section 610(c)(5) of such Act (16  
21 U.S.C.1826k(c)(5)) is amended by striking “that has not  
22 been certified by the Secretary under this subsection, or”.

23 (g) IDENTIFICATION OF NATIONS.—

1           (1) SCOPE OF IDENTIFICATION.—Section  
2       609(a) of such Act (16 U.S.C. 1826j(a)) is amend-  
3       ed—

4           (A) in the matter preceding paragraph (1)  
5       by striking “2 years” and inserting “3 years”;

6           (B) in paragraph (1) by inserting “that  
7       undermines the effectiveness of measures re-  
8       quired by an international fishery management  
9       organization , taking into account whether”  
10      after “(1)”; and

11          (C) in paragraph (1) by striking “vessels  
12      of”.

13          (2) PERIOD OF FISHING PRACTICES SUP-  
14      PORTING IDENTIFICATION.—Section 610(a)(1) of  
15      such Act (16 U.S.C. 1826k(a)(1)) is amended by  
16      striking “calendar year” and replacing with “three  
17      years”.

18      (h) AUTHORIZATION OF APPROPRIATIONS.—

19          (1) Section 609(f) of such Act (16 U.S.C.  
20      1826j) is amended by—

21              (A) striking “2007” and inserting “2010”;  
22          and

23              (B) striking “2013” and inserting “2015”.

24          (2) Section 610(f) of such Act (16 U.S.C.  
25      1826k) is amended by—

1 (A) striking “2007” and inserting “2010”;

2 and

3 (B) striking “2013” and inserting “2015”.

4 (i) TECHNICAL CORRECTIONS.—

5 (1) Section 607(2) of such Act (16 U.S.C.  
6 1826h(2)) is amended by striking “whose vessels”  
7 and inserting “that”.

8 (2) Section 609(d)(1) of such Act (16 U.S.C.  
9 1826j(d)(1)) is amended by striking “of its fishing  
10 vessels”.

11 (3) Section 609(d)(1)(A) of such Act (16  
12 U.S.C. 1826j(d)(1)(A)) is amended by striking “of  
13 its fishing vessels”.

14 (4) Section 609(d)(2) of such Act (16 U.S.C.  
15 1826j(d)(2)) is amended—

16 (A) by striking “certification”;

17 (B) by inserting “allowing importation”  
18 after “or other basis”;

19 (C) by striking “harvesting”;

20 (D) by striking “not certified under para-  
21 graph (1)” and inserting “issued a negative cer-  
22 tification under paragraph (1)”;

23 (E) by striking “not certified under”.

24 (5) Section 610 of such Act (16 U.S.C. 1826k)  
25 is amended as follows:

1 (A) In subsection (a)(1), by striking “prac-  
2 tices;” and inserting “practices—”.

3 (B) In subsection (c)(1)(A), by striking all  
4 after “United States” and inserting the fol-  
5 lowing: “, (including mandatory use of circle  
6 hooks, careful handling and release equipment,  
7 and training and observer programs in the case  
8 of pelagic longline fishing), taking into account  
9 different conditions, and”.

10 (C) In subsection (c)(4), by striking all  
11 text preceding subparagraph (B) and inserting  
12 the following:

13 “(4) ALTERNATIVE PROCEDURE.—The Sec-  
14 retary may establish a procedure to authorize, on a  
15 shipment-by-shipment, shipper-by-shipper, or other  
16 basis entry of fish or fish products from a vessel of  
17 a nation if the Secretary determines that such im-  
18 ports were harvested by practices that do not result  
19 in bycatch of a protected marine species, or were  
20 harvested by practices that—

21 “(A) are comparable to those of the United  
22 States (including mandatory use of circle hooks,  
23 careful handling and release equipment, and  
24 training and observer programs in the case of

1 pelagic longline fishing), taking into account  
2 different conditions; and”.

3 **SEC. 3. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISH-**  
4 **ERIES ENFORCEMENT ACT.**

5 (a) **NEGATIVE CERTIFICATION EFFECTS.**—Section  
6 101 of the High Seas Driftnet Fisheries Enforcement Act  
7 (16 U.S.C. 1826a) is amended—

8 (1) in subsection (a)(2), by striking “recognized  
9 principles of” after “in accordance with”;

10 (2) in subsection (a)(2)(A), inserting “or, as  
11 appropriate, for fishing vessels of a nation that re-  
12 ceives a negative certification under section 609(d)  
13 or section 610(c) of the High Seas Driftnet Fishing  
14 Moratorium Protection Act (16 U.S.C. 1826)” after  
15 “(1)”;

16 (3) in subsection (b)(1)(A)(i), by striking “or il-  
17 legal, unreported, or unregulated fishing” after  
18 “driftnet fishing”;

19 (4) in subsection (b)(1)(B), by striking “or ille-  
20 gal, unreported, or unregulated fishing” after  
21 “driftnet fishing”;

22 (5) in subsection (b)(3)(A)(i), by inserting “or  
23 a negative certification under section 609(d) or sec-  
24 tion 610(c) of the High Seas Driftnet Fishing Mora-

1        torium Protection Act (16 U.S.C. 1826j(d),  
2        1826k(c))” after “(1)(A)”;

3            (6) in subsection (b)(4)(A), by inserting “or  
4        issues a negative certification under section 609(d)  
5        or section 610(c) of the High Seas Driftnet Fishing  
6        Moratorium Protection Act (16 U.S.C. 1826j(d),  
7        1826k(c))” after “paragraph (1)”;

8            (7) in subsection (b)(4)(A)(i), by striking “or il-  
9        legal, unreported, or unregulated fishing” after  
10       “driftnet fishing”; and

11           (8) in subsection (b)(4)(A)(i), by inserting “, or  
12       to address the offending activities for which a nation  
13       received a negative certification under section 609(d)  
14       or 610(c) of the High Seas Driftnet Fishing Morato-  
15       rium Protection Act (16 U.S.C. 1826j(d),  
16       1826k(c))” after “beyond the exclusive economic  
17       zone of any nation”.

18        (b) DURATION OF NEGATIVE CERTIFICATION EF-  
19       FECTS.—Section 102 of such Act (16 U.S.C. 1826b) is  
20       amended by—

21           (1) striking “or illegal, unreported , or unregu-  
22       lated fishing”; and

23           (2) inserting “or effectively addressed the of-  
24       fending activities for which the nation received a  
25       negative certification under 609(d) or 610(c) of the



1 High Seas Driftnet Fishing Moratorium Protection  
2 Act (16 U.S.C. 1826j(d), 1826k(c))” before the pe-  
3 riod at the end.

4 **SEC. 4. AMENDMENTS TO THE TUNA CONVENTIONS ACT OF**  
5 **1950.**

6 Section 8 of the Tuna Conventions Act of 1950 (16  
7 U.S.C. 957) is amended—

8 (1) in subsection (a) by striking “knowingly”;

9 (2) by striking subsections (d) through (g) and  
10 inserting the following:

11 “(d) ADDITIONAL PROHIBITIONS AND ENFORCE-  
12 MENT.—For additional prohibitions relating to this Act  
13 and enforcement of this Act, see section 606 of the High  
14 Seas Driftnet Fishing Moratorium Protection Act (16  
15 U.S.C. 1826g).”; and

16 (3) by redesignating subsection (h) as sub-  
17 section (e).

18 **SEC. 5. AMENDMENTS TO NORTH PACIFIC ANADROMOUS**  
19 **STOCKS ACT OF 1992.**

20 (a) UNLAWFUL ACTIVITIES.—Section 810 of the  
21 North Pacific Anadromous Stocks Act of 1992 (16 U.S.C.  
22 5009) is amended—

23 (1) in paragraph (5), by inserting “, investiga-  
24 tion,” after “search”; and

1 (2) in paragraph (6), by inserting “, investiga-  
 2 tion,” after “search”.

3 (b) **ADDITIONAL PROHIBITIONS AND ENFORCE-**  
 4 **MENT.**—Section 811 of the Northern Pacific Anadromous  
 5 Stocks Convention Act of 1992 (16 U.S.C. 5010) is  
 6 amended to read as follows:

7 **“SEC. 811. ADDITIONAL PROHIBITIONS AND ENFORCE-**  
 8 **MENT.**

9 “For additional prohibitions relating to this Act and  
 10 enforcement of this Act, see section 606 of the High Seas  
 11 Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
 12 1826g).”.

13 **SEC. 6. AMENDMENTS TO THE PACIFIC SALMON TREATY**  
 14 **ACT OF 1985.**

15 Section 8 of the Pacific Salmon Treaty Act of 1985  
 16 (16 U.S.C. 3637) is amended—

17 (1) in subsection (a)(2)—

18 (A) by inserting “, investigation,” after  
 19 “search”; and

20 (B) by striking “this title;” and inserting  
 21 “this Act”;

22 (2) in subsection (a)(3)—

23 (A) by inserting “, investigation,” after  
 24 “search”; and

1 (B) by striking “subparagraph (2) ;” and  
 2 inserting “paragraph (2);”;

3 (3) in subsection (a)(5), by striking “this title;  
 4 or” and inserting “this Act;”;

5 (4) by striking subsections (b) through (f) and  
 6 inserting the following:

7 “(b) ADDITIONAL PROHIBITIONS AND ENFORCE-  
 8 MENT.—For additional prohibitions relating to this Act  
 9 and enforcement of this Act, see section 606 of the High  
 10 Seas Driftnet Fishing Moratorium Protection Act (16  
 11 U.S.C. 1826g).”.

12 **SEC. 7. AMENDMENTS TO THE WESTERN AND CENTRAL PA-**  
 13 **CIFIC FISHERIES CONVENTION IMPLEMENTA-**  
 14 **TION ACT.**

15 The Western and Central Pacific Fisheries Conven-  
 16 tion Implementation Act (title V of Public Law 109–479)  
 17 is amended—

18 (1) in section 503(a) (16 U.S.C. 6902(a)), by  
 19 striking “one of whom shall be the chairman or a  
 20 member of the Western Pacific Fishery Management  
 21 Council and the Pacific Fishery Management Coun-  
 22 cil” and inserting “one of whom shall be a member  
 23 of the Western Pacific Fishery Management Council,  
 24 and one of whom shall be a member of the Pacific  
 25 Fishery Management Council”;

1           (2) in section 503(c)(1) (16 U.S.C. 6902(c)(1)),  
2       by striking “shall be considered Federal employees”  
3       and all that follows through the end of the sentence  
4       and inserting “shall not be considered Federal em-  
5       ployees except for purposes of injury compensation  
6       and tort claims liability as provided in chapter 81 of  
7       title 5, United States Code, and chapter 171 of title  
8       28, United States Code.”;

9           (3) in section 503(d)(2)(B) (16 U.S.C.  
10       6902(d)(2)(B)), by amending clause (ii) to read as  
11       follow:

12                       “(ii) shall not be considered Federal  
13                       employees while performing service except  
14                       for the purposes of injury compensation  
15                       and tort claims liability as provided in  
16                       chapter 81 of title 5, United States Code,  
17                       and chapter 171 of title 28, United States  
18                       Code.”;

19           (4) by amending section 506(c) (16 U.S.C.  
20       6905(c)) to read as follows:

21       “(c) ADDITIONAL PROHIBITIONS AND ENFORCE-  
22       MENT.—For additional prohibitions relating to this Act  
23       and enforcement of this Act, see section 606 of the High  
24       Seas Driftnet Fishing Moratorium Protection Act (16  
25       U.S.C. 1826g).”; and

1 (5) in section 507(a)(2) (16 U.S.C. 6906(a)(2))  
2 by striking “suspension, on” and inserting “suspension, of”.  
3

4 **SEC. 8. AMENDMENTS TO THE SOUTH PACIFIC TUNA ACT**  
5 **OF 1988.**

6 The South Pacific Tuna Act of 1988 is amended—

7 (1) in section 5(a) (16 U.S.C. 973c(a))—

8 (A) in paragraph (8), by inserting “, investigation,” after “search”; and  
9

10 (B) in paragraph (10), by inserting “, investigation,” after “search”; and  
11

12 (2) by striking sections 7 and 8 (16 U.S.C.  
13 973e and 973f) and inserting the following:

14 **“SEC. 7. ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**

15 “For additional prohibitions relating to this Act and  
16 enforcement of this Act, see section 606 of the High Seas  
17 Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
18 1826g).”.

19 **SEC. 9. AMENDMENTS TO THE ANTARCTIC MARINE LIVING**  
20 **RESOURCES CONVENTION ACT.**

21 The Antarctic Marine Living Resources Convention  
22 Act of 1984 is amended—

23 (1) in section 306 (16 U.S.C. 2435)—

1 (A) in paragraph (3), by striking “which  
2 he knows, or reasonably should have known,  
3 was”;

4 (B) in paragraph (4), by inserting “, inves-  
5 tigation,” after “search”; and

6 (C) in paragraph (5), by inserting “, inves-  
7 tigation,” after “search”;

8 (2) in section 307 (16 U.S.C. 2436)—

9 (A) by inserting “(a) IN GENERAL.—” be-  
10 fore the first sentence; and

11 (B) by adding at the end the following:

12 “(b) REGULATIONS TO IMPLEMENT CONSERVATION  
13 MEASURES.—

14 “(1) IN GENERAL.—Notwithstanding sub-  
15 sections (b), (c), and (d) of section 553 of title 5,  
16 United States Code, the Secretary of Commerce may  
17 publish in the Federal Register a final regulation to  
18 implement any conservation measure for which the  
19 Secretary of State notifies the Commission under  
20 section 305(a)(1)—

21 “(A) that has been in effect for 12 months  
22 or less;

23 “(B) that is adopted by the Commission;  
24 and

1 “(C) with respect to which the Secretary of  
 2 State does not notify Commission in accordance  
 3 with section 305(a)(1) within the time period  
 4 allotted for objections under Article IX of the  
 5 Convention.

6 “(2) Upon publication of such regulation in the  
 7 Federal Register, such conservation measure shall  
 8 enter into force with respect to the United States.”;  
 9 and

10 (3) by striking sections 308 and 309 (16 U.S.C.  
 11 2437 and 2438) and inserting the following:

12 **“SEC. 308. ADDITIONAL PROHIBITIONS AND ENFORCE-**  
 13 **MENT.**

14 “For additional prohibitions relating to this Act and  
 15 enforcement of this Act, see section 606 of the High Seas  
 16 Driftnet Fishing Moratorium Protection Act (16 U.S.C.  
 17 1826g).”.

18 **SEC. 10. AMENDMENTS TO THE ATLANTIC TUNAS CONVEN-**  
 19 **TION ACT.**

20 The Atlantic Tunas Convention Act of 1975 is  
 21 amended—

22 (1) in section 6(c)(2) (16 U.S.C.  
 23 971d(c)(2)(2))—

24 (A) by striking “(A)” and inserting “(i)”;

25 (B) by striking “(B)” and inserting “(ii)”;

1 (C) by inserting “(A)” after “(2)”; and

2 (D) by adding at the end the following:

3 “(B) Notwithstanding the requirements of  
4 subparagraph (A) and subsections (b) and (c)  
5 of section 553 of title 5, United States Code,  
6 the Secretary may issue final regulations to im-  
7 plement Commission recommendations referred  
8 to in paragraph (1) concerning trade restrictive  
9 measures against nations or fishing entities.”;

10 and

11 (2) in section 7 (16 U.S.C. 971e) by striking  
12 subsections (e) and (f) and redesignating subsection  
13 (g) as subsection (e); and

14 (3) in section 8 (16 U.S.C. 971f)—

15 (A) by striking subsections (a) and (c);

16 and

17 (B) by inserting before subsection (b) the  
18 following:

19 “(a) For additional prohibitions relating to this Act  
20 and enforcement of this Act, see section 606 of the High  
21 Seas Driftnet Fishing Moratorium Protection Act (16  
22 U.S.C. 1826g).”;

23 (4) in subsection (b) by striking “the enforce-  
24 ment activities specified in section 8(a) of this Act”  
25 each place it appears and inserting “enforcement ac-



1       tivities with respect to this Act that are otherwise  
2       authorized by law”; and

3               (5) by striking section 11 (16 U.S.C. 971j) and  
4       redesignating sections 12 and 13 as sections 11 and  
5       12, respectively.

6   **SEC. 11. AMENDMENTS TO THE HIGH SEAS FISHING COM-**  
7                   **PLIANCE ACT OF 1965.**

8       Section 104(f) of the High Seas Fishing Compliance  
9   Act of 1995 (16 U.S.C. 5503(f)) is amended to read as  
10 follows:

11       “(f) VALIDITY.—A permit issued under this section  
12 for a vessel is void if—

13               “(1) any other permit or authorization required  
14 for the vessel to fish is expired, revoked, or sus-  
15 pended; or

16               “(2) the vessel is no longer documented under  
17 the laws of the United States or eligible for such  
18 documentation.”.

19   **SEC. 12. AMENDMENTS TO THE PACIFIC WHITING ACT OF**  
20                   **2006.**

21       (a) SCIENTIFIC EXPERTS ON JOINT TECHNICAL  
22 COMMITTEE.—Section 605(a)(1) of the Pacific Whiting  
23 Act of 2006 (16 U.S.C. 7004)(a)(1)) is amended to read  
24 as follows:

1           “(1) IN GENERAL.—The Secretary, in consulta-  
 2           tion with the Secretary of State, shall appoint no  
 3           more than two individuals to serve as scientific ex-  
 4           perts on the joint technical committee, at least one  
 5           of whom shall be an official of the National Oceanic  
 6           and Atmospheric Administration.”; and

7           (b) TREATMENT AS FEDERAL EMPLOYEES.—Section  
 8           609(a) of the Pacific Whiting Act of 2006 (16 U.S.C.  
 9           7008(a)) is amended by striking “shall be considered to  
 10          be Federal employees while performing such service, only  
 11          for purposes of—” and all that follows and inserting  
 12          “shall not be considered Federal employees while per-  
 13          forming such service, except for purposes of injury com-  
 14          pensation or tort claims liability as provided in chapter  
 15          81 of title 5, United States Code, and chapter 171 of title  
 16          28, United States Code.” after “United States Govern-  
 17          ment,”.

18       **SEC. 13. AMENDMENTS TO THE DOLPHIN PROTECTION**

19                       **CONSUMER INFORMATION ACT.**

20           The Dolphin Protection Consumer Information Act  
 21           (16 U.S.C. 1385) is amended—

22                       (1) by adding at the end of subsection (d) the  
 23           following:

24                       “(4) An act that is a violation of section 5 of  
 25           the Federal Trade Commission Act under paragraph

1 (1) is deemed also to be a violation of section 609  
 2 of the High Seas Driftnet Fishing Moratorium Pro-  
 3 tection Act (16 U.S.C. 1826j).”; and

4 (2) by amending subsection (e) to read as fol-  
 5 lows:

6 “(e) ADDITIONAL PROHIBITIONS AND ENFORCE-  
 7 MENT.—For additional prohibitions relating to this Act  
 8 and enforcement of this Act, see section 606 of the High  
 9 Seas Driftnet Fishing Moratorium Protection Act (16  
 10 U.S.C. 1826g).”.

11 **SEC. 14. AMENDMENTS TO THE NORTHERN PACIFIC HAL-**  
 12 **IBUT ACT OF 1982.**

13 (a) PROHIBITED ACTS.—Section 7 of the Northern  
 14 Pacific Halibut Act of 1982 (16 U.S.C. 773e) is amend-  
 15 ed—

16 (1) in paragraph (a) by redesignating subpara-  
 17 graphs (1) through (6) as subparagraphs (A)  
 18 through (F);

19 (2) by redesignating paragraphs (a) and (b) as  
 20 paragraphs (1) and (2), respectively;

21 (3) by in paragraph (1)(B), as so redesignated,  
 22 by inserting “, investigation,” before “or inspec-  
 23 tion”;

1           (4) by in paragraph (1)(C), as so redesignated,  
2       by inserting “, investigation,” before “or inspec-  
3       tion”;

4           (5) in paragraph (1)(E), as so redesignated, by  
5       striking “or” after the semicolon; and

6           (6) in paragraph (1)(F), as so redesignated, by  
7       striking “section.” and inserting “section; or”.

8       (b) ENFORCEMENT POWERS.—Section 11 of the  
9       Northern Pacific Halibut Act of 1982 (16 U.S.C. 773i)  
10      is amended by adding at the end the following:

11       “(g) In addition to the powers of officers authorized  
12      pursuant to subsection (b), any officer who is authorized  
13      by the Secretary, or by the head of any Federal or State  
14      agency that has entered into an agreement with the Sec-  
15      retary under subsection (a), to enforce the Convention,  
16      this Act, or any regulation adopted under this Act, may—

17           “(1) search or inspect any facility or convey-  
18       ance used or employed in, or which reasonably ap-  
19       pears to be used or employed in, the storage, proc-  
20       essing, transport, or trade of fish or fish products;

21           “(2) inspect records pertaining to the storage,  
22       processing, transport, or trade of fish or fish prod-  
23       ucts; and

24           “(3) detain, for a period of up to 5 days, any  
25       shipment of fish or fish product imported into, land-

1       ed on, introduced into, exported from, or transported  
 2       within the jurisdiction of the United States, or, if  
 3       such fish or fish product is deemed to be perishable,  
 4       sell and retain the proceeds therefrom for a period  
 5       of up to 5 days.”.

6 **SEC. 15. AMENDMENTS TO THE NORTHWEST ATLANTIC**  
 7 **FISHERIES CONVENTION ACT OF 1995.**

8       Section 207 of the Northwest Atlantic Fisheries Con-  
 9       vention Act of 1995 (16 U.S.C. 5606) is amended—

10           (1) in the section heading, by striking “**AND**  
 11       **PENALTIES**” and inserting “**AND ENFORCE-**  
 12       **MENT.**”;

13           (2) in subsection (a)(2), by inserting “, inves-  
 14       tigation,” before “or inspection”;

15           (3) in subsection (a)(3), by inserting “, inves-  
 16       tigation,” before “or inspection”;

17           (4) by striking subsection (b) through (f) and  
 18       inserting the following:

19       “(b) **ADDITIONAL PROHIBITIONS AND ENFORCE-**  
 20       **MENT.**—For additional prohibitions relating to this Act  
 21       and enforcement of this Act, see section 606 of the High  
 22       Seas Driftnet Fishing Moratorium Protection Act (16  
 23       U.S.C. 1826g).”.

1 **SEC. 16. AMENDMENT TO THE MAGNUSON-STEVENSON FISHERY**  
2 **CONSERVATION AND MANAGEMENT ACT.**

3 Section 307(1)(Q) of the Magnuson-Stevens Fishery  
4 Conservation and Management Act (16 U.S.C.  
5 1857(1)(Q)) is amended by inserting before the semicolon  
6 the following: “or any treaty or in contravention of any  
7 binding conservation measure adopted by an international  
8 agreement or organization to which the United States is  
9 a party”.

10 **SEC. 17. INTERNATIONAL COOPERATION AND ASSISTANCE**  
11 **PROGRAM.**

12 (a) INTERNATIONAL COOPERATION AND ASSISTANCE  
13 PROGRAM.—The Secretary of Commerce, acting through  
14 the National Marine Fisheries Service may establish an  
15 international cooperation and assistance program, includ-  
16 ing grants, to provide assistance for international fishing  
17 capacity building efforts.

18 (b) AUTHORIZED ACTIVITIES.—In carrying out the  
19 program, the Secretary may—

20 (1) provide funding and technical expertise to  
21 other nations to assist them in addressing illegal,  
22 unreported, or unregulated fishing activities;

23 (2) provide funding and technical expertise to  
24 other nations to assist them in reducing the loss and  
25 environmental impacts of derelict fishing gear, re-  
26 ducing the bycatch of living marine resources, and

1 promoting international marine resource conserva-  
2 tion;

3 (3) provide funding, technical expertise, and  
4 training to other nations to aid them in building ca-  
5 pacity for enhanced fisheries management, fisheries  
6 monitoring, catch and trade tracking activities, en-  
7 forcement, and international marine resource con-  
8 servation;

9 (4) establish partnerships with other Federal  
10 agencies, as appropriate, to ensure that fisheries de-  
11 velopment assistance to other nations is directed to-  
12 ward projects that promote sustainable fisheries; and

13 (5) conduct outreach and education efforts in  
14 order to promote public and private sector awareness  
15 of international fisheries sustainability issues, in-  
16 cluding the need to combat illegal, unreported, or  
17 unregulated fishing activity and to promote inter-  
18 national marine resource conservation.

19 (c) GUIDELINES.—The Secretary may establish  
20 guidelines necessary to implement the program.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to the Secretary \$5,000,000  
23 for each of fiscal years 2010 through 2015 to carry out  
24 this section.

○